FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4874 OF 2005

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's Orders

Mr. M.A. Utagikar for the petitioners.

Mr. M.L. Patil for the respondent.

CORAM: SMT. RANJANA DESAI, J.

DATED: 29TH AUGUST, 2005.

P.C.:-

In this writ petition, original defendants have challenged order dated 29/6/2005 whereby applications (Exhibits-42 and 43) filed by the defendants for appointment of court commissioner for local inspection are rejected. The applications are rejected on the ground that application (Ex-5) is pending. I am informed that the said application is now disposed of.

In the circumstances of the case,

therefore, it would be open to the defendants to make a fresh application before the trial court for appointment of court commissioner. Hence, the following order.

O R D E R

Order dated 29/6/2005 passed by Civil Judge, Junior Division, Pandharpur is set aside. The defendants will be at liberty to make an application to the trial court for appointment of court commissioner for local inspection after giving prior notice to the plaintiff. If such an application is made, the trial court shall consider such application on its own merits and in accordance with law. The trial court shall pass appropriate orders after hearing both sides and the trial court shall also consider the prayer of the plaintiff that the court commissioner shall inspect the northern side of the suit premises.

Writ petition is disposed of.

(SMT. RANJANA DESAI, J.)